a good evening.

TOVA WANG: You, too.

CHAIRMAN BONNEN: Thank you.

UNIDENTIFIED REPRESENTATIVE: Not a question, but an objection.

CHAIRMAN BONNEN: Sure.

UNIDENTIFIED SPEAKER: I have talked to the elected officials in my county and they welcome voter I.D., regardless of the cost.

CHAIRMAN BONNEN: Excellent. Thank you.

Chair calls Sonia Santana, ACLU of Texas, here to testify against the Committee Substitute to Senate Bill 14.

SONIA SANTANA: Good afternoon, Chairman Bonnen and Members. I thank you for the opportunity to speak this afternoon.

My name is Sonia Santana. I'm here to speak on behalf of ACLU Texas and to register our position against Committee Substitute Senate Bill 14.

Our Executive Director, Terry Burk (phonetic), was unable to be here, so I have submitted written testimony, as well.

There are two concerns that I would like...
to address specifically on this bill. The first is the cost of voter education and voter outreach, and second is on provisional ballot concerns. With respect to the estimated voter outreach and voter education program we are also very concerned that the estimated $2 million is insufficient for an adequate program to educate voters and poll workers on what is a substantial change in election procedure.

And I think this was mentioned by Tova Wang, but we do know that in Missouri their fiscal cost on their voter outreach program is 16.9 million over three years.

In North Carolina, a most recent study that they came out is estimating now that their cost is going to be 20 million for three years. So we are very concerned that the amount we have in our bill is not adequate for the job.

On the provisional ballot area we believe that Texas already has a substantial problem in Texas. Nationally, the average rates for counting provisional ballots is about 75 percent with 55 percent rejection rates. In Texas, our rejection rates are opposite. We reject 75 percent of our ballots and only accept 25. This statistic seems to
indicate that voters and poll workers are already
confused about, you know, provisional ballots in
general and how they're cast and how they're
actually processed. So in the 2008 election, which
was our last Presidential election, we had 42,000
cast provisional ballots. And of those, only 32,000
votes -- 32,000 were rejected. So those are 32,000
voters that are -- already are confused about how to
cast a proper ballot and those votes were rejected.
So we think Texas already has a problem with
provisional ballots, and this is going to add
confusion to the issue and we're going to cause more
voters to go into this limbo of provisional ballots,
where they only have one in four chance of having
their provisional ballot count.

We would like to add that if this bill
passes, like (inaudible) suggested, the Legislature
actually fund a study data to collect the data on
rejection rates, the reason for rejection rates.
And, specifically, which communities are impacted by
these provisional ballots. Thank you.

CHAIRMAN BONNEN: Thank you. Any
questions, Members? Thank you.

Mary Ann Collins representing herself
and -- is here to testify for the Committee
Substitute to Senate Bill 14.

MARY ANN COLLINS: I'm Mary Ann Collins. I'm been election judge for almost 30 years. I -- I would like to address the issue of fact that there's no fraud in ballot -- in elections.

I have poll watched early voting. And while I was poll watching early voting, I saw a lady come in with purple hair, and that absolutely got my attention. Later that afternoon I saw what I thought was the very same lady with the purple hair coming in to vote, and I thought, she's been here before. Then I thought, oh, no, she's passed the qualifying table, so I'm just misreading things. It turned out later I was talking -- it dawned on me that she indeed probably had been there before and was voting on another person's certificate at that time.

After our early voting was over, two or three days later, I was talking to one of the clerks on a completely unrelated issue and I said to her, "I think there was a lady there who voted twice."

She said, "Oh, yes. I know exactly who you're talking about. I even questioned her and asked her if she had been here before, and she assured me that
she had not."

Now, without picture I.D. there's nothing to prevent a person going to early voting location -- to early voting location with another person's certificate. So a person in reality in Dallas County in this last election could have gone to 32 different polling places in early voting with somebody else's certificate.

I would also just like to address the issue that was just brought up about the provisional ballot. I have also poll watched the ballot board in Dallas County, and the majority of provisional ballots that are rejected are rejected because people are not registered to vote. So that is my testimony.

CHAIRMAN BONNEN: Sorry we didn't have more excitement for you here.

MARY ANN COLLINS: Well, I always like to witness some.

CHAIRMAN BONNEN: For those of you who have followed this issue know that I built quite a relationship with Mrs. Collins last session dealing with voter I.D. and with -- I won't name names, but put one of our Members in a place that he is seldom put. And so we're very proud of --
MARY ANN COLLINS: It was one of my shining hours.

CHAIRMAN BONNEN: It was one of the most shining. But thank you, Mrs. Collins.

Any questions, Members?

Thank you for being here and hopefully we're going to get you out of here at a decent time.

MARY ANN COLLINS: Thank you.

CHAIRMAN BONNEN: Rebecca Bradford, Texas Federation of Republican Women, here to testify for the Committee Substitute to Senate Bill 14.

REBECCA BRADFORD: First of all, Chairman Bonnen, thank you for being here, and Members of the Committee. I appreciate the work that you are doing for me and -- and that you're doing for my state.

My name is Rebecca Bradford. I live in Corpus Christi in Nueces County. I'm here today testifying on behalf of Texas Federation of Republican Women. There are basic principles that must be applied if our state is to remain strong and free. And one of these basic principles is the confidence of our citizens. They -- they do matter when it comes to their government. The way
individual citizens are involved in their government
is by voting for the leaders of that government.

In the 20 years that I've lived in south
Texas I've heard stories about illegal voting,
falsified ballots, election workers illegally
assisting others, ballots showing up from seemingly
nowhere to save the election for a particular
candidate and more. The stories about voter fraud
are so common that they are expected as a part of
the election process. I know people who personally
told me that they didn't bother to vote because they
didn't trust that their vote mattered. They believe
whomever is chosen to win will find a way to win.
And historically, low voter turnout reflects that
kind of an attitude.

If the State of Texas can demonstrate
through a strong voter identification bill that it's
possible to begin to strengthen honesty and fairness
in our elections, it will go a long way in helping
citizens trust our government and want to
participate and help to keep Texas strong.

Interest across the State of Texas
regarding fair and honest elections is very high.
As the President of the Texas Federation of
Republican Women, I travel across the State visiting
clubs and visiting members. We have 162 clubs and 10,995 members in Texas. The one issue that gets noticeable and usually vocal response from an audience of TFRW audiences is fair and honest elections. Our members have worked locally as election judges, clerks and poll watchers, and voter registration is a large project in many of our clubs. TFRW members understand the value of honest elections and are hoping to encourage you to take this very important first step in strengthening our election process.

March 3rd is the 2011 Texas Federation of Republican Women's Legislation Day in Austin. Registrations to join our legislative day were at 890 members as of yesterday, and our office is still getting requests for late registrations. The issue of fair and honest elections is the main reason for their coming to visit their government. We believe the only way to have fair and honest government is to start with fair and honest elections of leaders that run that government. The strong photo identification requirements for voters will not completely stop voter fraud, but it's a really good place to start, and it will make elections fair and honest. It will demonstrate to citizens their votes
are important, and it will give citizens confidence
that the Texas government is working to keep Texas
strong.

    Thank you very much for accepting my
testimony.

CHAIRMAN BONNEN: Members, any
questions? Representative Harless had a question.

REPRESENTATIVE HARLESS: I just want
to thank you for coming and staying all day.
Rebecca and I have been long-time friends. So thank
you.

REBECCA BRADFORD: Thank you for
being here, and you.

CHAIRMAN BONNEN: Thank you very
much.

REBECCA BRADFORD: Thank you.

CHAIRMAN BONNEN: Steve Finley.

Okay.

Carol Kitson, K-I-T-S-O-N, retired, here
to testify for Committee Substitute to Senate Bill
14.

CAROL KITSON: Carole Kitson. Good
afternoon. My name is Carol Kitson. I'm here to
testify for -- in favor of the Committee Substitute
for SB-14.
In November 2nd, 2010 general election, I was an alternate judge at Harris County precinct. Others working that day were -- included presiding judge, two clerks, two volunteer poll watchers and a translator. Everyone was there for the entire period. In the late afternoon the election clerk, who was responsible for giving each voter their JBC ticket to allow them to use the machine, commented to the poll watcher -- to a poll watcher that he had just given a code to a man who had voted earlier that day. The poll watcher agreed with that and I, too, had noticed that particular voter, because he had a very distinguishing characteristic. He had a very distinct -- distinctive facial scar and he had very limited use of one arm, so he was very easy to note. The problem is I did not remember what name was on the voter card that he had used for his first vote. And because we had no way of correctly identifying him, as it is currently illegal to ask for a photo I.D., he voted a second time.

This man was recognizable, but it's impossible to know how many individuals voted more than once using different voter I.D. cards during that busy election day.
Requiring all voters to prevent -- present a voter I.D. would prevent individuals from voting more than once. And it's critically important, because even a few votes per precinct can fraudulently -- cast fraudulently can change the outcome of an election.

In Falls County with 9,332 registered voters, a 42 percent turnout, there was a difference of only 86 votes between the top two candidates for Governor.

In Val Verde County, with 27,801 voters, almost a 26 percent turnout, only 271 votes separated the top two candidates for Governor.

And in Bexar County, with a fourth highest number of registered voters in the state at 905,859 voters and a 34 percent turnout, the difference between the winner and loser of those votes was only 1,692 votes. That means with 622 precincts it took less than three -- three votes per precinct cast fraudulently could change the entire outcome of the Governor's race in that county. Each fraudulently cast vote diminishes all of the valid votes cast.

Every legal voter in Texas deserves to know that his or her vote was counted correctly, and we need to know the declared winner is truly the winner and not
illegally elected because some voters used illegal means to get their candidate elected. We owe this to ourselves, to all future generations of Texans. Thank you.

Any questions?

CHAIRMAN BONNEN: Yes, ma'am. Any questions, Members?

REPRESENTATIVE VEASEY: Dennis --

CHAIRMAN BONNEN: Yes, sir, Mr. Veasey.

REPRESENTATIVE VEASEY: I would agree with you, we owe it to everybody to make sure we have fair elections, because, like you say, only a few votes can change an election. But the problem we're having is the dialogue. It needs to be a two-way street. I need to be listening to what you're saying, but what some of us on the panel are saying and what some of our witnesses are saying, too, is that we need to also understand that a few disenfranchised can also swing the election another way. And so everybody -- any time you come up with some sort of a suggestion or solution to make it to where people won't be disenfranchised, whether you talk about fail-safe or whether you talk about, you know, after the fail-safe affidavit or you talk
about same day voter registration and, all of a
sudden, oh, no, oh, no. And that's where we get
into trouble, because then it seems like there's
something nebulous going on when you don't make it a
two-way street and just make it a one-way street.

And so I'll just make comments to what
you're saying, because I hear you loud and clear,
and I hear the rest of the people who have testified
here in favor of the bill loud and clear. But what
I'm saying, we've come a long way in this country,
and we need to make sure that both sides are being
fully appreciated and that concerns of all of our
citizens are being met and not just, you know, one
particular, you know, way of thought or one
particular avenue. I -- and so that's all -- all
I'll say to that. And I appreciate you coming to
take your time here today.

   CAROL KITSON: I appreciate your
comments, but earlier I believe there was testimony
that 609,000 voters are listed as not having a
Social Security card or driver's license. You know,
the federal law requires everyone to have a Social
Security number. All citizens must have a Social
Security number by age one. So I would submit that
a large, large percentage, if not all, of those were
fraudulent voters. And it's very difficult to catch
them, because we can't picture -- we can't take
photographs, we can't record. That's why you don't
see cases that are prosecuted. It's almost
impossible.

REPRESENTATIVE VEASEY: And -- and
let me just say real quick, and I'm not trying to
hold you up at all, but we don't know how -- why
those people don't have Social Security. There
could be a lot of --

CAROL KITSON: I understand.

REPRESENTATIVE VEASEY: -- reasons
why. And so that's what I think that I'm really
trying to get past is just the sort of assumptions
that people make about people whether, you know,
they live in a certain neighborhood or whether they
live -- or whether they don't have a Social Security
card or whether they don't have a driver's license.
And there's just too much of that.

Like, I don't know if you were here when I
read the E-mail earlier that the Chairwoman of the
Republican party sent out, where she was saying
there's voter fraud going on in these specific
precincts and we need to send people out here to
watch these people.
CAROL KITSON: That is not
appropriate at all.

REPRESENTATIVE VEASEY: Right. And
we don't --

CAROL KITSON: And I --

REPRESENTATIVE VEASEY: -- want to
start making generalizations why someone doesn't
have a Social Security card by age of one. There
could be a variety of reasons.

CAROL KITSON: And I don't --

CHAIRMAN BONNEN: I don't think she
suggested why. She's simply concerned that there's
a large number of people who don't, and she has no
way of confirm --

CAROL KITSON: Exactly.

REPRESENTATIVE VEASEY: I'm sorry. I
misunderstood. I thought you said most of these
people were committing voter fraud.

CHAIRMAN BONNEN: She said she
doesn't know if they are or not.

CAROL KITSON: There's no way of
telling. No way to find out.

REPRESENTATIVE VEASEY: I apologize.

CAROL KITSON: So many came in with
voter I.D. cards I was shocked at how far back they
went, and none of them were signed. So there's no way to compare the signature.

CHAIRMAN BONNEN: Right.
CAROL KITSON: Thank you very much.

CHAIRMAN BONNEN: Ma'am, I apologize.

Representative Harless has questions.

REPRESENTATIVE HARLESS: We're going to have an expert later from the Secretary of State talking about those numbers.

CAROL KITSON: Uh-huh.

REPRESENTATIVE HARLESS: --

(inaudible).

CAROL KITSON: Oh, I will.

REPRESENTATIVE HARLESS: There's a reason there's 690,000 people, because it wasn't until 2006 that you had to list the last four of Social Security or the I.D. or driver's license. So there are potentially people that registered prior to that - I'm one of those - that haven't moved. And so I'm still using my same voter's registration card that doesn't have that identification on there. And I think there will be testimony to that.

CHAIRMAN BONNEN: Great.
CAROL KITSON: Thank you very much.

CHAIRMAN BONNEN: Ramey -- I think
it's Ramey, R-A-M-E-Y, Ko or Kory [sic], K-O, Attorney (inaudible) here to testify against the Committee Substitute to Senate Bill 14.

RAMEY KO: I hope you don't mind me using my computer.

CHAIRMAN BONNEN: No, whatever you need.

RAMEY KO: All right. When I can -- can I start?

CHAIRMAN BONNEN: Yes. Please state your name --

RAMEY KO: Oh, okay. My name is Ramey Ko, and I'm an attorney. And I currently lecture at the University of Texas and teacher as well for private (inaudible) company. Some of you may remember me from 2009, when I famously testified on the name matching issues faced by Asian American voters; resulted in some amount of controversy in the media over the issue. I'm happy to hear that this version of the bill had some provisions in there that addresses this issue. However, I think that there's certain other concerns that are important to address.

First of all, it's very important to highlight the fact that ultimately the person who's
on the front line and making these decisions are poll workers. These are poll workers who have a very difficult job taking time out of their schedules to volunteer to do something for democracy; very admirable. But given the record turnouts of the last few election cycles with little training and funding to support them in this tremendously important job, errors do occur. In fact, the Asian American Legal Defense and Education Fund has put forward a number of reports recently through large sample size studies of numerous states over the last several election cycles beginning in 2002. Every year they do this, they find enormously large amounts of improper or incorrect behavior on the part of poll workers towards Asian American voters.

In seven states sampled in the 2008 election, in the majority of Asian American voters sampled, the majority, more than half in every single state, reported being asked for improper or illegal identification under those state's laws, the majority. That's under current law. That doesn't require -- and these were in states that do not require photo I.D. and allows that -- in states that have a -- greater I.D. requirements with more
complex elements that were even higher results.

    The fact is that it's impossible to know what turnout would be in the absence of such laws. Just as much as people have been saying, oh, we can't know how much fraud is going on, we can't know how much people are being suppressed or who's being discouraged from coming to the polls because of the fact that they have these laws. Right?

Well, anecdotal evidence is hardly representative of broader trends. These horror stories I've heard tell me one thing, the system now works. Right? These people are being caught. Clearly all of these people who are coming to testify and mechanisms exist to mark and review suspect ballots. We do know that voter turnout among low income voters and among (inaudible) areas is persistently low. We also know that from countless studies, personal account and personal experience that many of those not originally born in this country find this process intimidating. Right?

So I'm agreed that those (inaudible) make it difficult, maybe impossible, to prove voter impersonation. But then why pick this one out of all possible ways to commit fraud, absentee balloting -- heck, why don't we make people provide
a copy of their lease or their deed to prove their
residency? I don't know. Maybe people are lying
about this all the time. Who knows? Right?

So why not target absentee voting first
where fraud is documented? Why not make people
produce these other types of documentations? Right?

We're told that provisions exist in the
bill to account for these name changes that we
tested about last time. But to what degree if
the problem with poll workers -- right? If my
driver's license says Ramey Ko and my voter
registration roll says Bill Hi Sun (phonetic),
right, is the poll worker going to say that's even
close enough for me to be permitted to cast that
real ballot? That's the judgment that's made.
These are the same poll workers, mind you, that
demanded incorrect illegal forms of I.D. in eight
states from the majority of Asian American voters
who voted.

We're also told that democracy's expanding
measures such as same day registration will be
easier to swallow if this passes. They ask why
aren't they already in this bill. If we're all so
determined to give people ideas [sic] -- I.D.s
because they need them for real life, which I agree
with, working as an attorney with low income folks, then why not a longer phase then? Right?

The fact is that I came here -- or I'm here in this country because my parents came from Asia in order to escape the type of government that says that people who get to vote are restricted based on their status or who they are.

The cost of faith in democracy is high. The Representative earlier who spoke -- who highlighted that point, very true. And millions will lose that faith if this bill passes. And if you really believe that the cost of democracy is worth whatever costs, then put your money where your mouth is. Put $50 million into this bill to do real education, real outreach, real voting assistance.

To echo the earlier witness, every suppressed vote diminishes the vote of every other person cast -- every other vote cast. Every person who is scared to go to the polls because of how they might be treated diminishes the vote of every other per -- vote cast.

And that's my remarks for the day. I'm open for questions.

REPRESENTATIVE ALISEDA: Would you agree with me that there's another form of voter suppression and that is a voter suppression where you do not believe in the system so you don't vote?

RAMEY KO: I think that anything that diminishes the value of democracy has the potential to suppress the vote.

The problem is that when we know that there's all of these potentials out there, right, we have to find a way as policymakers to make a decision to weigh, right, the cost and benefits of addressing certain types of potential problems with that democracy.

To me, to say that well, this is a potential issue and if it really is out there and these numbers that we think it might be, it's really scary. The problem's that argument could be applied to absolutely anything I can come up with, right, like the deed or title restriction I just mentioned earlier. Why not require people to produce a title or a lease in order to prove their residence?

UNIDENTIFIED REPRESENTATIVE: Your family trees --

RAMEY KO: Yeah. Why not? Maybe a thousand people every day are fraudulently lying
about where they live.

UNIDENTIFIED REPRESENTATIVE: It's not that farfetched. I have a home in Bee County that's -- where 18 individuals are registered to vote.

RAMEY KO: And I think we all know about the trailer park, correct, and a lot of controversies about exactly who's registered to vote in that district or not.

CHAIRMAN BONNEN: Any other questions, Members? Thank you for your testimony today.

RAMEY KO: Thank you.

CHAIRMAN BONNEN: John Woods, a graduate student, student government of the University of Texas at Austin, here to testify neutrally on the Committee Substitute to Senate Bill 14.

CHAIRMAN BONNEN: And, Mr. Woods, we have a copy of, I guess, your testimony or -- or something you've asked us to pass around. And we're doing that now.

JOHN WOODS: Thank you. Mr. Chair, Members of the Committee, thank you so much for your time. I -- my name is John Woods. I'm a graduate
student at University of Texas at Austin. I'm a
member of student government. I represent the
graduate school, and I am authorized to speak on
behalf of my constituents for this.

One issue a lot of graduate students face,
a lot of us come from out of state. We don't
necessarily have Texas driver's licenses. Many of
us, as somebody else mentioned earlier, use public
transportation and have no reason to have a driver's
license.

My understanding is the Supreme Court has
said before that you are entitled to vote where you
go to school whether it's in state or out of state
just as long as you only vote in one place and that
you don't necessarily need an in-state driver's
license to do that.

I, myself, am originally from the
And I did get a Texas license, but I would point out
that I could go home at any time and register to
vote again in Virginia with my parents' address and
use a Virginia driver's license, and I could
actually probably vote in both states
simultaneously. And I don't see how this bill
addresses that.
But my real concern is that graduate students be able to use student I.D.s when they go vote. I think that that would be a good solution to this problem. It's something that all of my constituents have. I can see how maybe student I.D.s need an expiration date or something like that, but I think that's a solution the Committee could consider looking at.

I'm also a little concerned about the priorities of this bill. I just -- I'd like to note -- note a loophole that we noticed in student government, which is that you can currently go buy a gun in Texas without any I.D. at all, but you wouldn't be able to vote under this bill without I.D. It seems strange to me that you get turned away by a poll worker, go to a gun show, buy a gun, and then threaten the poll worker into letting you vote. I think that's a loophole in this bill, and I just wanted to mention it.

Lastly, there's a committee hearing one session ago. We had these two -- two guys who were twins in student government. And they were on the other side of the aisle from me, but they came and testified, and they did a great job. You know, it was interesting. One was out of the room when the
other one was testifying. And when the second one
came to testify, the Chair of the committee noted,
"Hey, didn't you already testify?" And he said,
"No, no. That was my brother." Now, these two
guys, they dress exactly the same and they have the
same speech mannerisms. I still can't tell them
apart. Got to love them, you know. And I just -- I
just wanted to thank the Committee for not requiring
me to show an I.D. in order to testify here. Thank
you.

CHAIRMAN BONNEN: Any questions,
Members? Thank you.

UNIDENTIFIED REPRESENTATIVE: Just a
quick one.

CHAIRMAN BONNEN: Mr. (inaudible).

UNIDENTIFIED REPRESENTATIVE: Thank
you, Mr. Chairman. If you had an Oklahoma driver's
license but were registered at U.T., under this bill
would you be able to vote?

JOHN WOODS: My understanding is that
you have to have a driver's license from the Texas
Department of Public Safety. You could use a
passport, but if you did not have one --

UNIDENTIFIED REPRESENTATIVE: That's
my understanding, too. Thanks.
JOHN WOODS: Thank you very much.

CHAIRMAN BONNEN: Ann McGeehan, the Elections Division of the Secretary of State, testifying neutral on Committee Substitute to Senate Bill 14.

ANN MCGEEHAN: Good afternoon. Ann McGeehan with the Office of the Texas Secretary of State.

CHAIRMAN BONNEN: Questions, Members?

I think Mr. Veasey has questions.

REPRESENTATIVE VEASEY: I -- I -- I'm sorry. Let me turn on the microphone. I do have questions for you.

I was concerned about the fiscal note. Can you talk a little bit about the fiscal note that you all came up with? Because other smaller states, states that are significantly smaller with -- than ours, with a lot less television markets, came up with much higher figures than you did. So that -- that number sort of startled me a little bit.

ANN MCGEEHAN: Sure. Yeah. I would be happy to explain how we arrived at that figure. Since the Help America Vote Act passed at the federal level in 2002, the states have been given some funds for voter education. So the
Secretary of State's office has done a statewide voter education effort in 2006, eight and ten. And the average cost for those statewide voter education efforts has been 2.5 million dollars. So I can tell you that for the 2010 cycle what we did was we spent $2.5 million, and it included upgrades to our website. We created a new website called VoteTX.org, or actually redesigned it. It had been created previously. We did traditional advertising in television, did some PSAs in television, radio newspaper, experimented a little bit on the Internet with FaceBook and Twitter, and also did some ads on public transportation.

We did seven telethons in -- in the Valley, Austin, Dallas and Houston, four on Spanish T.V. stations and three on English. And then we also did a face-to-face outreach where we traveled to 23 cities around the State and interacted personally with more than 15,000 Texans. So that's what -- that's kind of the model of what we've done.

So when we were asked to prepare a fiscal note, we looked at our past voter education efforts. We also looked at in 2009, when the Senate passed a voter I.D. bill that contained, I think, almost the same language as what's in the current Committee
Substitute, Senate Finance put a rider on the bill
for $2 million, which to us indicated that that at
least -- at least on the Senate side, that's what
they thought was appropriate for the voter education
program.

REPRESENTATIVE VEASEY: What was --
what was their methodology? I'm sorry --

ANN MCGEEHAN: The Senate's?

REPRESENTATIVE VEASEY: -- for
arriving at that figure?

ANN MCGEEHAN: I don't know.

REPRESENTATIVE VEASEY: Did they --
did they share any with you?

ANN MCGEEHAN: Not with me.

REPRESENTATIVE VEASEY: The -- it's
just a number they -- they put out there?

ANN MCGEEHAN: Yes, I don't know how
they arrived at that number.

REPRESENTATIVE VEASEY: Okay. Yeah.

Because I -- in Missouri it looks like the bill cost
a lot more than in Texas, and they have -- you know,
their biggest market was No. 20th. And of course
Dallas/Fort Worth is No. 5, and Houston is No. 7,
San Antonio, 30, Austin, 42, El Paso, 46. How --
how many -- how many television ads in the Metroplex
could you buy with $750,000?

ANN McGEEHAN: Well, I know in
two-point -- I'm sorry, in 2010 we spent 1.8 million
just on purchasing the advertising.

REPRESENTATIVE VEASEY: Okay.

ANN McGEEHAN: So I'm sure we could
get you the breakdown to show how much in each media
market, but the bulk was spent on purchasing the
advertising.

REPRESENTATIVE VEASEY: Purchasing
all forms of advertising?

ANN McGEEHAN: Yeah. That included
T.V., radio --

REPRESENTATIVE VEASEY: Yeah.

ANN McGEEHAN: -- and newspaper.

REPRESENTATIVE VEASEY: Do you know
how many spots you all were running like in the
Metroplex?

ANN McGEEHAN: We can get you the
detail on that, because I know the company we
contracted with I think gave us a detailed report of
exactly where it was aired and if we got any
earned -- earned media, things like that. We can
get you that.

REPRESENTATIVE VEASEY: Okay.
CHAIRMAN BONNEN: Representative

ANCHIA.

REPRESENTATIVE ANCHIA: Mr. Chairman,

I wanted to dovetail on a question -- the line of questioning of Representative Veasey.

Again, Missouri had a two-year, $9.5 million estimate for their voter I.D. bill in 2006, including the cost of free I.D.s, poll worker training and the production of -- of voter education material. Missouri is a state one-fourth the size of Texas. Wisconsin, that has a population less than one-point -- 5.6 million people, less than one-fourth the size of the State of Texas, had an annual fiscal note on their bill of 2.3 million. So biannual, it would be 4.6 in lost revenue due to the provision of free I.D.s.

Maryland has a population of 5.6 million where they provide free I.D.s only in limited circumstances, projecting a $1.6 million annual fiscal note. In 2010, Indiana, which was later -- which was after -- after the initial passage of the bill, which was required to provide free I.D.s, they have a population of 6.4 million, about a quarter of the size of the State of Texas. They spent 1.3 million to provide free I.D.s.
In that $2 million figure, do you have any -- do you have any -- any data on the provision of free I.D.s, or is it exclusively your marketing budget?

ANN MCGEEHAN: 2 million was exclusively for the voter education effort.

UNIDENTIFIED REPRESENTATIVE: Okay.

ANN MCGEEHAN: And as far as the other states and -- like Missouri, I know that we -- we tried to get a little information, because Senator Gallegos asked that question at the Senate hearing.

UNIDENTIFIED REPRESENTATIVE: Right.

ANN MCGEEHAN: And one thing that was different about their bill, which I think was later struck down -- I don't think they ever implemented the 2006 legislation --

UNIDENTIFIED REPRESENTATIVE: Uh-huh.

ANN MCGEEHAN: -- was that they were actually having to install equipment throughout the State to issue photo I.D.s for purposes of the legislation, which is not in this bill.

So I -- I don't know about Wisconsin and Maryland. You know, each -- it depends on what the bill says.
UNIDENTIFIED REPRESENTATIVE: I'll talk a little bit about the media markets in Missouri. St. Louis and Kansas City are the two largest. They spent significantly more in marketing. You're basing -- same -- same thing with other states.

You're -- you're -- you're basing your estimate on T.V. commercials, print and I guess some radio, $300,000 worth of radio on a -- an estimate that -- of last year's expenditure, I guess, or a prior year's expenditure with a significant change if this bill passed. Would you agree it's a pretty significant change to current law?

ANN MCGEEHAN: Yeah.

UNIDENTIFIED REPRESENTATIVE: Okay. Do you think -- do you think that the same -- the same budget that you would use last time around with no significant change in state law would be appropriate for a voter education program with a significant change in state law?

ANN MCGEEHAN: Well, it's -- and I'll try to state this clearly, because I don't know that I explained it so well on the Senate side. But we do have plans, I guess, to have continuing voter education programs, because we still have HABA...
funds. So when we were asked to prepare this fiscal note, we were assuming we're going to continue to do our statewide education effort. So we looked at how do we weave in the new voter I.D. requirements into a statewide voter education program. So I can't tell you exactly what that's going to end up being, but if we're just asked for purposes of this fiscal note to say what does it cost to educate on voter I.D., that was our best guess, because we -- we will integrate it with, you know, whatever voter education program we do for 2012. So if we do 2.5 million effort in 2012, you know, some of that will cover voter education, maybe will go to a little higher than that. But I guess the point is we have federal dollars to educate voters on the process to vote and get registered. And so we will incorporate and enhance it to include education on the new voter I.D. requirements.

UNIDENTIFIED REPRESENTATIVE: And would that -- would that education occur over a year, two years? Would it be ongoing? The bill -- the bill doesn't specify. What's -- what's your view and what do the HABA dollars come in?

ANN MCGEEHAN: The -- the bill I think says that we have to start preparing the
training and the voter education as soon as possible. Our fiscal note assumes that it would just be for one cycle, so I think we put it all for the 2012 fiscal year.

We have $7 million left in the State Treasury that's earmarked for voter education and poll worker training, election official training.

UNIDENTIFIED REPRESENTATIVE: Those are HABA funds?

ANN MCGEEHAN: Those are the HABA funds, and they don't expire. I don't think the federal government can take them back, but we are hearing that they're not -- they don't have any plans to issue any more funds. So, essentially, that's all we've got.

UNIDENTIFIED REPRESENTATIVE: In the new -- on the significant change in legislation for one election cycle, essentially for the 2012 election cycle?

ANN MCGEEHAN: Well, based on the language that's in the bill.

UNIDENTIFIED REPRESENTATIVE: Based on language that's in the bill?

ANN MCGEEHAN: Right.

UNIDENTIFIED REPRESENTATIVE: Okay.
How -- for major changes in legislation -- well, let me back up a step.

What's your evaluation of poll worker training currently in the -- in the counties?

ANN MCGEEHAN: In the counties? I think that there are a variety of tools counties can use to educate poll workers. We -- with our HABA dollars, we created an online poll worker training that's free for all counties to use. Some counties have used their HABA funds to create their own specific online training. Most counties do some form of in-person training, where they require workers to come in, you know, see the machines, learn how to operate the machines. We, the Secretary of State's office, has a 30-minute video that we do, and we update usually every two years. That's also free of charge. So there's some different ways.

UNIDENTIFIED REPRESENTATIVE: You answered a different question, though.

ANN MCGEEHAN: Oh.

UNIDENTIFIED REPRESENTATIVE: You answered what resources are available, which I appreciate. But what's your -- what's your assessment of the quality of poll worker training?
And I know it's difficult to get poll workers. There's turnover frequently. We pay them very little. I believe that they're volunteers.

When you have a -- a change in the Election Code, just a minor change, by way of example, it doesn't immediately filter down to all poll workers, does it? I mean, ensuring practice and implementation, it's something that takes time?

ANN MCGEEHAN: Sure.

UNIDENTIFIED REPRESENTATIVE: Isn't that right?

ANN MCGEEHAN: That's right.

UNIDENTIFIED REPRESENTATIVE: I mean, because I hear from poll workers all the time and, you know, they didn't know the law had changed. I tried to do some continuing education myself, having sat on the Elections Committee in the past, to bring people up to speed. And I'm always very impressed at how earnest the poll workers are, but also sometimes very surprised -- you know, they're not Election Code experts and it does take some time for changes in the Election Code to filter down to them.

For a change of this magnitude, do you think it will take some time for folks to be aware of the law?
ANN MCGEEHAN: I think it will take some time. I think the bill has some very strict requirements in there, though, that requires all judges and clerks to take the Secretary of State-prescribed training. So it -- it sounds to me like it's a mandate that they have to take that training, whereas right now in many elections it's optional.

UNIDENTIFIED REPRESENTATIVE: How much is that going to cost for everybody to take the training?

ANN MCGEEHAN: Our plans will be to update our video and to update the online training. So that would be two free for, you know, counties to use and for citizens to use on top of whatever the counties may be using, as well.

UNIDENTIFIED REPRESENTATIVE: Do you think with a mandate like that, would that mandate be satisfied by watching the video?

ANN MCGEEHAN: I think it could be. Currently, that is used for poll worker training.

UNIDENTIFIED REPRESENTATIVE: Uh-huh. So that would be enough?

ANN MCGEEHAN: Unless the statute is changed. But as currently written, I think that...
would satisfy the bill.

UNIDENTIFIED REPRESENTATIVE: Okay.

Does it surprise you that people -- that poll
workers are already asking for photo I.D. despite
the training that occurs? Does that surprise you?

ANN MCGEEHAN: We have heard that
before, yes.

UNIDENTIFIED REPRESENTATIVE: Quite a
bit. Even in the district that I represent we've
got folks that are asking for photo I.D. currently.

A lot of people have been talking about a
600,000 registered voter figure. These people --
these are people who apparently registered without
using some form -- either their Social Security
number or a -- a driver's license number.

Isn't the use even bigger than that? I
mean, I see a figure here that for people who did
not register without a driver's license number --
pardon me, for people who registered without their
driver's license ensuring the figure is more like
2.8 million.

ANN MCGEEHAN: That's true when you
look at the entire voter database.

UNIDENTIFIED REPRESENTATIVE: This is
your HABA-compliant database.
ANN MCGEEHAN: Right. But, you know, prior to January 1, 2006, you could register to vote without providing your driver's license or Social Security number. So people that were registered before 2006 may not have provided one of those. That doesn't necessarily mean that they don't have one, but they didn't have to provide one to get registered to vote.

UNIDENTIFIED REPRESENTATIVE: Well, we don't know whether they did or not, because it wasn't listed. Correct?

Have you all done a match to determine with the driver's license file as to whether these folks have driver's licenses or not?

ANN MCGEEHAN: Uh-huh. We've been asked to do that and we're looking at this to make sure that -- looking at the official list of voters in the Secretary of State's office, trying to compare that to DPS. And our IT Department is looking at that, trying to get good matching criteria, because without that unique identifying number of the TDL, it can be sometimes difficult to make sure you have the right match.

UNIDENTIFIED REPRESENTATIVE:

Somebody came up and said there was 600 -- you have
that $600,000 person figure. Where does that come from? Do you have a frame of reference for that figure that there were 600,000 people who did not list after [sic] driver's license number or Social Security number?

ANN MCGEEHAN: I think they're all coming from the same place, which that is -- and I -- you know, when we have shared information with the Legislature before, we've sort of shared two sets of information. One is -- that shows how many people have stated they don't have a TDL number or SSN number since January 1, because since -- January 1, 2006, because since January 1, 2006, it's been required. So since that time, we show 34,506 voters out of almost 4 million that stated they did not have I.D.

UNIDENTIFIED REPRESENTATIVE: Since 2006?

ANN MCGEEHAN: Yes.

UNIDENTIFIED REPRESENTATIVE: And is there -- is there a provision -- provision in this bill to identify that use of voters as possibly not having I.D.?

ANN MCGEEHAN: I'm sorry. I didn't understand.
UNIDENTIFIED REPRESENTATIVE: So, I mean, if you're looking at possible uses of voters that may not have the requisite I.D. to comply with this bill, is there anything in the bill that would require you to identify those folks, seek them out, determine whether they have I.D. or not?

ANN MCGEEHAN: No, I don't believe so.

CHAIRMAN BONNEN: Okay. Let's talk -- we talked, I know, briefly about training of poll workers.

Under this bill, what new duties will poll workers perform, what new duties?

ANN MCGEEHAN: Let's see. Of course, the qualification process will change as far as what they will, you know, require of a voter before they're permitted to vote. I can't really think of any new. They -- if a voter doesn't have I.D. today, they vote provisionally. So that will be the same.

I guess the main change will be voters that have filed a disability exemption with the Voter Registrar. Those voters aren't going to have to show I.D.

A voter who is 70 years of age or
before January 2012 won't have to show I.D. So those will be some new decisions they'll have to make.

UNIDENTIFIED REPRESENTATIVE: Talk to me about how you would administer those two exceptions, the disability and the age?

ANN MCGEEHAN: Well, we're going to have to come up with detailed training. So I don't -- I don't -- I can't tell you exactly how that's going to work. You know, we'll try to be very thoughtful about that and look to other states for best practices. But we'll have to revise our handbooks, all our training, our online training, video, to include guidance for the poll workers on how to handle those new duties.

CHAIRMAN BONNEN: With respect to the disability exemption, is there a document that the person would put on file to receive that type of exemption?

ANN MCGEEHAN: Yes. The -- the Committee Substitute -- and that document would be filed with the Voter Registrar, not with the -- not at the polling place. And it allows written documentation from the United States Social Security Administration that evidence that the voter has a
1. disability or written documentation from the United
2. States Department of Veterans Affairs.
3.
4. UNIDENTIFIED REPRESENTATIVE: So
5. those are the only two ways to get the exemption?
6.
7. ANN MCGEEHAN: Correct.
8.
9. UNIDENTIFIED REPRESENTATIVE: Okay.
10. Okay.
11.
12. CHAIRMAN BONNEN: Representative
13. (inaudible).
14.
15. UNIDENTIFIED REPRESENTATIVE: Yeah,
16. yeah.
17.
18. CHAIRMAN BONNEN: I was going to
19. allow Members of the Committee to ask questions.
20. And I see two of them have their lights on and have
21. for some time. So, I mean, if you have more
22. questions, I'll come back to you, but I'd like to
23. let the Members of the Committee go ahead.
24. Representative Harless.
25.
26. REPRESENTATIVE HARLESS: Hi. How are
27. you?
28.
29. ANN MCGEEHAN: I'm good. Thank you.
30.
31. REPRESENTATIVE HARLESS: Could you
32. tell us a little bit about the ongoing training that
33. the Secretary of State does as a part of their job
34. anyway?
ANN MCGEEHAN: We -- we have several formats of training. We have had a 30-minute video that we've had probably since the late '80s. And we update that regularly, usually after a Legislative session. We have detailed handbooks that are to be used inside polling places. We have now an online voter -- online training process, and we also do schools and seminars. So we have an annual seminar every summer for county officials.

REPRESENTATIVE HARLESS: This is -- this is something that you continue to do every year --

ANN MCGEEHAN: Yes.

REPRESENTATIVE HARLESS: -- as part your budget?

Can you tell me -- we've talked a lot about the Help America Vote Act fund. How much money was that originally?

ANN MCGEEHAN: I have my note on that somewhere. Well, I think overall we've received total for all the mandates in HABA about $200 million and -- okay. I -- I found it now. I'm sorry. $227 million dollars.

REPRESENTATIVE HARLESS: And how much of that money have we spent?
ANN MCGEEHAN: We have spent about 80 percent of that money. What is remaining now is about $47 million.

REPRESENTATIVE HARLESS: And how much money in the base budget that we received in the House under the Secretary of State was in that base budget appropriated for HABA money for federal election training?

ANN MCGEEHAN: I -- I believe in House Bill 1 -- I don't think it's broken down by purpose areas within HABA, but I think overall it was about $37 million or --


ANN MCGEEHAN: I defer to you. That sounds right.

REPRESENTATIVE HARLESS: So of the $2 million it is likely, once this bill is passed, that we can request that funds from the -- from the Help America Vote Act to be appropriated to spend additional monies as needed to train and get up to speed on the photo I.D.?

ANN MCGEEHAN: Right. I mean, I
guess, just to be clear, we already have drawn that
money down based on our State plan.

REPRESENTATIVE HARLESS: We have it
set up in our base budget that we started with that
that Pitts (phonetic) laid out?

ANN MCGEEHAN: Yes.

REPRESENTATIVE HARLESS: There's been
a lot of conversation today about the 690,000 that
we're talking about. And I know Representative
Anchia mentioned to the 2.8 million or 5.2.

There's two sets of numbers we're working
with, two universes. The first universe is
registered voters that are from January 1st of 2006
to December 31st, 2010. Correct?

ANN MCGEEHAN: Right.

REPRESENTATIVE HARLESS: How many are
in that universe?

ANN MCGEEHAN: Total of all?

REPRESENTATIVE HARLESS: In that 2000

ANN MCGEEHAN: I think the total --
the amount of voters that were registered during
that period is right under 4 million.

REPRESENTATIVE HARLESS: And those
are voters that, one, have a driver's license or
I.D.; that's about 2.3 million.

ANN MCGEEHAN: Right.

REPRESENTATIVE HARLESS: Then there's voters that have registered with the last four of their Social Security number, which is about 294,000.

ANN MCGEEHAN: Right.

REPRESENTATIVE HARLESS: Then there's voters that registered with both, which is 1.3 million. And then there's a number of people that registered that said they didn't have either.

ANN MCGEEHAN: Correct.

REPRESENTATIVE HARLESS: No Social Security, no I.D., driver's license. So that's 34,000.

Of that 3.9 million, that's .8 percent of that universe from January 1st until December 31st. Do I understand that correctly?

ANN MCGEEHAN: Yes, that's correct.

REPRESENTATIVE HARLESS: Okay. So now if we take all the statewide voters that are registered, all of them, even the ones prior to 2006, which I would fall into that category, because I haven't changed my address and I still have my original voter registration that gets renewed every
couple years, that I did not provide a Social
Security last four or my I.D.

Of that number, how many do we have?

ANN MCGEEHAN: Of -- of that number
we have 5.2 million that showed TDL I.D. We have
2.1 million that have a -- a Social Security number
on file. And then the number of voters that have
both is 4.6 million.

REPRESENTATIVE HARLESS: Which totals
in -- in the ones that have neither numbers?

ANN MCGEEHAN: One with neither is
the 690,000 insuring 698,087.

REPRESENTATIVE HARLESS: The total
universes of registered voters that we have as the
last numbers we've received is 12 million about
655,000.

Now, of that 690,000 do we think all of
those people don't have either Social Security, I.D.
or driver's license?

ANN MCGEEHAN: I want to -- I want to
be careful on that, because, you know, we -- we
don't have direct evidence. But we can say that
before 2006 it wasn't required. So presumably, if
it wasn't required, people wouldn't give it.

Doesn't mean they didn't have it.
REPRESENTATIVE HARLESS: So presumably some of those 690,000 people have driver's license or I.D. cards or Social Securitys [sic], they just did not have to require it at the time?

ANN MCGEEHAN: I think that would be a fair statement.

REPRESENTATIVE HARLESS: All right. Another question about the fiscal note that we've talked about. Some of the counties attached, you know, small amounts of money that it would cost for their county. Aren't most -- how -- explain that to me. How can...

ANN MCGEEHAN: Well, I know on the Senate side there may have been some confusion regarding the voter registration certificate, because the bill requires that the new voter I.D. requirements appear on the back of the voter registration certificate. And I think that in conversations with some county officials they were thinking if you had to put it on the front of the certificate there wouldn't be space. So they thought the certificate might need to be increased in size, which would increase postage, but I don't think that's necessarily required. The bill doesn't
say that. It just says that it goes directly on the certificate.

I think another cost -- Tarrant County, I think, had another cost for changing of the provisional ballot affidavit form, some cost for that.

REPRESENTATIVE HARLESS: Now, there's some assumptions that the Secretary of State typically doesn't do a lot of this work. But isn't it true that they already do a lot of the work for the training? So those can be absorbed as part of your normal expense of your budget.

ANN MCGEEHAN: Right, right. We would -- you know, after every session we normally have to revise our training materials.

REPRESENTATIVE HARLESS: And can you talk just a little - and I'll quit so everyone else can ask their questions - but we've had some questions about different last names and different addresses.

What provisions will the Secretary of State make on that, and is there training done for that?

ANN MCGEEHAN: Currently, there's no training on that, because the law is silent on the
issue of what happens if the names don't match. But
the Senate Bill 14, the engrossed version and the
Committee Substitute, contains some language about
as long as the names are substantially similar. So
our training would have to include some standards
on, you know, what an election judge or clerk would
need to look for and what would be considered
substantially similar.

The addresses don't have to match right
now. And that -- and that doesn't change under
Senate Bill 14. You don't have to show, I don't
believe, that the -- the addresses have to -- you --
you're -- you have to ask every voter if they've
moved, but they don't have to show their -- their
identification doesn't have to show where they live.

REPRESENTATIVE HARLESS: Thank you so
much --

ANN MCGEEHAN: Sure.

REPRESENTATIVE HARLESS: -- for
waiting all day and being patient.

ANN MCGEEHAN: You're welcome.

CHAIRMAN BONNEN: Representative
Aliseda.

REPRESENTATIVE ALISEDA: What -- what
is the current state or federal law for purging
voter lists. Do you know?

ANN MCGEEHAN: Yes. That's covered under the National Voter Registration Act, and there are some requirements associated with that. For instance, you can't purge voters within so many days of a November general election. You can't purge voters if you suspect that they've moved until you've actually reached out to those voters and sent them a mailing. If they don't respond to that mailing, their name goes to an inactive list or what we call in Texas a suspect -- a suspense list. And they stay on that list for a period of two federal general elections. And if they don't vote or if they don't correspond or communicate with the Voter Registrar, their name would get purged on November 30th of the second federal election.

REPRESENTATIVE ALISEDA: Well, I'm trying to understand how that particular law interfaces with individuals who do not have an identification of some sort. You stated that since 2006 we have 34,000 of those individuals that have indicated they don't have any form of identification, but prior to 2006, we had an additional 600,000 that didn't have to provide that information.
So when would this purging require some kind of follow-up on identification?

ANN MCGEEHAN: Well, I don't -- nothing -- there's nothing in the State law or -- or the federal law or this bill that would require somebody that registered to vote before 2006 to now provide a driver's license number or Social Security number. When they present themselves for voting they're going to have to show a photo I.D. But they won't be required to provide that data to the Voter Registrar.

REPRESENTATIVE ALISEDA: As far as the cost of education on this issue, does the State allow for public service announcements by broadcasting companies that have -- have -- frequently do some kind of voter -- voter education?

ANN MCGEEHAN: Yes. We definitely try to make full use of that with our PSAs.

REPRESENTATIVE ALISEDA: But it's not figured into that two million or the --

ANN MCGEEHAN: No, no. That would be --

REPRESENTATIVE ALISEDA: -- 20 million or whatever it is you say we spend on education?
ANN MCGEEHAN: Right. I mean, that's something that we look for, but we'll probably go out on bid to -- to -- for a company to help us form this education program. And that's something we look at is what companies can promise that earned media so that we only pay for this much, but then we get it aired more times --

REPRESENTATIVE ALISEDA: Are these hearings earned media in a sense in that we have some public interest in this and I assume people are following it?

UNIDENTIFIED REPRESENTATIVE: We shouldn't flatter ourselves.

REPRESENTATIVE ALISEDA: No further questions.

CHAIRMAN BONNEN: Representative Anchia, do you have more questions?

REPRESENTATIVE ANCHIA: Just a couple more, Mr. Chairman. Thank you.

CHAIRMAN BONNEN: Take your time. I just --

REPRESENTATIVE ANCHIA: I appreciate that. I appreciate that.

The statement was made earlier in that 600,000-people universe that -- that there were --
that that equaled fraudulent voters. Do you share that belief?

ANN MCGEEHAN: I have no reason to think that those voters are fraudulent.

REPRESENTATIVE ANCHIA: Okay. Okay. What happens to the voter registration certificate if this bill's passed in its current form?

ANN MCGEEHAN: It continues to exist, and so it will be sent out and it will now contain information on the identification requirements. And then voters who are 70 -- 70 as of January 2012 and the voters that have the disability exemption, they will be able to use their certificate as their forms of I.D.

REPRESENTATIVE ANCHIA: Okay. But it will be sent to all registered voters. Right?

ANN MCGEEHAN: Yes.

REPRESENTATIVE ANCHIA: We have 13 million, roughly, 12 --

ANN MCGEEHAN: A little under 13 million today.

REPRESENTATIVE ANCHIA: 12.6, 12.6?

ANN MCGEEHAN: Yeah. Yeah.

REPRESENTATIVE ANCHIA: What -- what -- what other functional purpose would it
serve? I mean, if you're not -- if you're not 70, you don't have the disability exemption.

ANN MCGEEHAN: I guess at this point it's going to serve more as a -- an informational tool to the voter. It will tell them what districts they're registered in, you know, which Congressional district, which State Senatorial District. I think there's five districts that have to be districts on the certificate.

Tell them their county election precinct number, which might help them find out where they need to go vote. So I guess it would be more for the voter's benefits and information.

REPRESENTATIVE ANCHIA: An alternative approach that we've discussed many times in this committee is simply adding a person's picture to the voter registration certificate and -- which would be a pretty easy fix. I think it -- the technology certainly exists. I mean, we might want to import some late 1990 -- '80s technology to -- to implement that very simple act, I mean, through a bubble jet printer or something like that, if you can find those.

Have you done a feasibility analysis on that approach as opposed to this approach?
ANN MCGEEHAN: I think there's one or two bills filed this session that kind of play that kind of approach. So I think we've tried to do some research to -- for purpose of responding to the fiscal note as to what they would take.

REPRESENTATIVE ANCHIA: Because it seems to me that would be the easiest fix here, just to add someone's photo. And there will be a universe of people who don't have a photo on file. Right? So if it was possible, for example, to work with Commander Deese (phonetic) at DPS and merge the TDL database photos down and -- and do a match with -- with the HABA-compliant --

ANN MCGEEHAN: Right.

REPRESENTATIVE ANCHIA: -- statewide voter registration database, and then you dump down the State I.D. photos, the non-TDL photos --

ANN MCGEEHAN: Uh-huh.

REPRESENTATIVE ANCHIA: -- and then you dump down maybe a CHL universe, you -- you -- you probably hit a pretty significant number. It wouldn't be complete. I mean, you would have to have some sort of mechanism at the polls to gather people's photos or an outreach. But can you -- we've had these suggestions around for a couple
sessions now. Can you talk about some of the -- the
opportunities there or the challenges?

ANN MCGEEHAN: You know, we've --
we've done some preliminary analysis. I think the
effort there would -- would be one of, you know,
equipment and whether it would be the State issuing
these cards or whether it would be the county,
whether we'd give the -- you know, if -- if the
State wanted to fund the county to have the
equipment necessary to capture the pictures for
those people that aren't --

REPRESENTATIVE ANCHIA: Sounds like
we have HABA funds for this, though. Right?

ANN MCGEEHAN: Well, HABA funds --
HABA, you know, has certain express purposes. Voter
education is one. I don't think we could use HABA
to implement voter I.D.

REPRESENTATIVE ANCHIA: Say that
again.

ANN MCGEEHAN: Well, HABA had -- has
very express requirements in the federal law.

REPRESENTATIVE ANCHIA: But you just
said you don't think you can use HABA funds to
implement voter I.D.

ANN MCGEEHAN: Well, meaning what
you're talking about, to take people's pictures --

REPRESENTATIVE ANCHIA: So you could
use it to implement a photo I.D. regime, but you
couldn't use it to add people's photos to a voter
registration certificate?

ANN MCGEEHAN: We could look at
that -- at the language of the bill more closely.
But, you know, the main mandates of HABA were
provisional voting, voting system, security. We
could -- you know, maybe -- maybe it's more broad
than I'm thinking.

We've been very cautious with the HABA
funds and try to make sure we're in compliance with
what -- the Federal Election Systems Commission. It
would be curious to see if Georgia or Indiana use
that money -- HABA monitor [sic] that portion of
the -- of their implementation of voter I.D.

REPRESENTATIVE ANCHIA: Ms. Wang
talked about a vote-saving affidavit approach to
preventing people from being disenfranchised under
a -- a photo I.D. regime. Other states have it.
And Idaho, by way of example, has a photo I.D.
regime, but at the same time allows persons who are
unable to comply to -- to offer up a vote-saving
affidavit that says they are the person on the card.
And, typically, the penalty for that is aggravated
perjury, is it not, if you bust an affidavit related
to an election --

ANN MCGEEHAN: Yes.

REPRESENTATIVE ANCHIA: -- and -- and
the penalty for that is two to ten years in jail, is
it not?

ANN MCGEEHAN: That sounds about
right.

REPRESENTATIVE ANCHIA: $10,000 -- up
to $10,000 fine.

ANN MCGEEHAN: Yes.

REPRESENTATIVE ANCHIA: And don't we
have an affidavit currently in -- for people who --
because let me back up a step.

We have a photo -- we have a voter I.D.
standard in Texas today, don't -- do we not?

ANN MCGEEHAN: Yes.

REPRESENTATIVE ANCHIA: It's our
voter registration certificate.

And when you cannot comply with that --
with that voter registration certificate
requirement, you can use other forms of I.D. like a
driver's license. Correct?

ANN MCGEEHAN: Yes.
REPRESENTATIVE ANCHIA: And when
you -- when you use that driver's license, you sign
an affidavit, do you not?
ANN MCGEEHAN: Yes.
REPRESENTATIVE ANCHIA: And that's
contained in the poll book, is it not?
ANN MCGEEHAN: Right.
REPRESENTATIVE ANCHIA: What does
that affidavit say?
ANN MCGEEHAN: It's the voter saying
they don't have their voter registration
certificate, essentially.
REPRESENTATIVE ANCHIA: But there are
other things. Right?
ANN MCGEEHAN: For the affidavit?
REPRESENTATIVE ANCHIA: Yeah.
ANN MCGEEHAN: Yeah. There are
several affidavits.
REPRESENTATIVE ANCHIA: You -- you
haven't voted previously in this election, et
cetera. Correct?
ANN MCGEEHAN: Uh-huh, yes.
REPRESENTATIVE ANCHIA: Okay. And if
the standard is -- is flipped and suddenly you have
a photo -- a photo I.D. requirement, what would
be -- a Voter Registrar affidavit look like?

Because currently if you can comply with the voter requirement, you can give an alternative form of — of identification, which may or may not be a photo I.D. If you go to a photo I.D. regime, what would a vote-saving affidavit look like, so that people who otherwise would comply, could comply, who are eligible to vote do not get their votes rejected?

ANN MCGEEHAN: Well, we -- we could look at, you know, what some of the other states have done with respect to that. Michigan, for example.

REPRESENTATIVE ANCHIA: Ohio.

ANN MCGEEHAN: Ohio. I think I heard Florida earlier today.

But that would prevent people from being disenfranchised if they could not comply with this, as you said, major change in state law?

ANN MCGEEHAN: Yeah. I mean, that would be -- that's a policy call for the Legislature, but...

REPRESENTATIVE ANCHIA: Right.

What's the standard for match in this bill? I show up, my hair's longer. I saw Ramey Ko
today. His hair's longer than two years ago when he testified. Sometimes people look differently —

ANN MCGEEHAN: Uh-huh.

REPRESENTATIVE ANCHIA: -- I mean, photo I.D.s are good for 10-year periods in some cases. Right?

ANN MCGEEHAN: Right, right.

REPRESENTATIVE ANCHIA: Didn't know it. Ten years later, I look pretty different than I did ten years ago.

What's the -- what's the -- what's the standard for a visual identification?

ANN MCGEEHAN: I don't know that the bill has -- has -- has a -- has a standard necessarily. It says that -- that -- that -- the language basically says that the documentation establishes, I think, they're identity.

REPRESENTATIVE ANCHIA: From the proof presented. Correct?

ANN MCGEEHAN: From the proof, yes. So that would clearly be an area that we would need to address that training.

REPRESENTATIVE ANCHIA: Ultimately, it's subjective. Right? The poll worker is given the opportunity to either confirm or deny the
identity. Right?

ANN MCGEEHAN: Right.

REPRESENTATIVE ANCHIA: And there's no guidance in the bill to tell us --

ANN MCGEEHAN: Right. To --

REPRESENTATIVE ANCHIA: -- how to --

ANN MCGEEHAN: Right. To a certain extent that is an issue today. If a -- if a person shows eye -- they don't have their certificate and they don't show their driver's license, other I.D. is authorized. And there's similar language in the current law about, you know, establishing identification from the -- from the identification providing. But I think that would be something we would need to address in training. And we would certainly look to some of the other states that have implemented already and try to borrow some best practices.

REPRESENTATIVE ANCHIA: Do you know how other states approach this?

ANN MCGEEHAN: I do not, not today.

REPRESENTATIVE ANCHIA: Okay. That's it. Thank you, Mr. Chairman.

REPRESENTATIVE HARLESS:

Mr. Chairman, I have one follow-up question.
You just got through mentioning about -- and we all concerned [sic] about the discretion. Section 63.010 talks about the documentation proof of identification. Currently, the poll worker has that discretion. You all would just define those standards differently. Is that correct?

ANN MCGEEHAN: Right. I think we would address it specifically in our training. Right now, that's not specifically addressed in our training.

REPRESENTATIVE HARLESS: (Inaudible) poll worker (inaudible).

ANN MCGEEHAN: That's correct.

CHAIRMAN BONNEN: Any other questions, Members? Thank you. Appreciate your being here.

Members, is there any desire to bring up a resource witness from the Department of Public Safety Driver's License Division? Okay.

Rebecca Davio from the Department of Public Safety testifying neutrally on the Committee Substitute Senate Bill 14.

REBECCA DAVIO: Good afternoon, Chairman Bonnen, Members. My name is Rebecca Davio,
and I'm with the Driver's License Division of the
Department of Public Safety.

CHAIRMAN BONNEN: Members, questions?

Representative Anchia.

REPRESENTATIVE ANCHIA: Thank you.
Thank you, Mr. Chairman. Hi, Rebecca.

REBECCA DAVIO: Hi there.

REPRESENTATIVE ANCHIA: Welcome.

REBECCA DAVIO: Thank you very much.

REPRESENTATIVE ANCHIA: Rebecca, in
the current budget, DPS services is currently
21 percent under it's ideal budget. Is that
correct?

REBECCA DAVIO: 21 percent under it's
ideal budget? We are definitely underfunded to be
able to provide the level of service that we want.
I haven't done that particular calculation.

REPRESENTATIVE ANCHIA: So the data
we received is that the -- the current 2010, 2011
driver's license services line item was 47,890,758.
The request for 2013 is 60 thousand [sic] 656,690.
That -- that equals for 2012, 2013, 47,689,052, 21
percent under the requested amount.

Would -- wouldn't providing free I.D.s
affect some of your revenue stream for -- for state
I.D.s that you derive from state I.D.s, from the issuance of state I.D.s?

REBECCA DAVIO: The revenue from driver's licenses and I.D.s doesn't come back to the Department of Public Safety or to the Driver's License Division. I believe those funds actually go to the Mobility Fund.

REPRESENTATIVE ANCHIA: To the Mobility Fund?

REBECCA DAVIO: Yes, sir.

REPRESENTATIVE ANCHIA: So how would they impact the Mobility Fund?

REBECCA DAVIO: The revenue may be decreased if -- for -- the free voter I.D.s.

REPRESENTATIVE ANCHIA: Okay. Yeah. Including -- including those that would be required for, I guess, people who are indigent under this bill or -- right?

I mean, is -- is -- my assumption is that you'd have to pass out some significant amounts of free I.D.s in order for this -- in order for those people who did not have compliant photo I.D. to be able to vote. Correct?

REBECCA DAVIO: Well, the numbers show that there's probably about almost 19 million
people in Texas that have an active driver's license or I.D. And I believe that there were almost 13 million registered voters.

REPRESENTATIVE ANCHIA: Uh-huh.

REBECCA DAVIO: And the language that is in this Committee Substitute that says if you already have a driver's license or an I.D. or one of those acceptable forms of identification, then you don't have to get another special voter I.D.

REPRESENTATIVE ANCHIA: But there will be some percentage of people who currently pay for a State I.D., right, that will realize that they can forego the cost of that State I.D. by simply registering to vote and then receive a -- a free driver's license from DPS. Right?

REBECCA DAVIO: They would not be able to receive a free driver's license. They would be able to receive a free I.D. --

REPRESENTATIVE ANCHIA: A free I.D.

REBECCA DAVIO: -- if they hadn't already registered to vote. They said it was for voting purposes, yes, sir.

REPRESENTATIVE ANCHIA: Right, right. Even if 30 percent of people paying for new or renewed I.D.s use this bill to get a free
I.D., it seems like, to me, running the numbers, it would -- it would cost the State at least 1.4 million, and that's 30 percent of people who are either paying for anything -- a new I.D. or seeking a renewal of an I.D. And that's just at 30 percent. If it was 90 -- if the percentage was higher, it would be up to 4.2 million.

That's without even discussing the need. That would not even include the influx of registered voters who would need photo I.D. I mean, that's just people who would be transfers from a State I.D. to a free photo I.D. for purposes of voting. And, again, using very conservative numbers, about 30 percent of that -- of that universe. So did you -- did you collaborate on the fiscal note?

REBECCA DAVIO: Yes, sir. We -- we looked at this bill -- not at the Committee Substitute. We didn't prepare the fiscal estimate for the Committee Substitute, but we did look at the original bill.

REPRESENTATIVE ANCHIA: At the underlying bill.

REBECCA DAVIO: Yes.

REPRESENTATIVE ANCHIA: And what was your methodology to arrive at -- do you think that
number is a good number?

REBECCA DAVIO: The $2 million --
it's approximately $2 million that's in the current
fiscal note is just for the Secretary of State
costs.

REPRESENTATIVE ANCHIA: Right.

REBECCA DAVIO: The Department of
Public Safety was unable to estimate how many people
might come in to get a voter I.D.

REPRESENTATIVE ANCHIA: That's
strange, because in -- in 2005, when Mary Denny
(phonetic) had a -- a photo I.D. bill, you all did
provide an estimate.

REBECCA DAVIO: I -- I think all the
top leadership in the Department and in the Driver's
License Division has changed. And, you know, when
we looked at this bill and we were just really
unable -- uncomfortable with trying to come up with
an estimate of how many people might take advantage
and come in and say that they wanted an I.D. for
free.

So we simply provided the information that
said, you know, here's the cost and here's the --
the potential --

REPRESENTATIVE ANCHIA: But there
REBECCA DAVIO: There may be, yes, sir.

REPRESENTATIVE ANCHIA: There may --

REBECCA DAVIO: There may, yes, sir.

REPRESENTATIVE ANCHIA: -- be. You want to hedge by saying may?

REBECCA DAVIO: Yes, sir.

REPRESENTATIVE ANCHIA: All right. All right. Okay. But to be clear, the cost to your agency are not in the fiscal note?

They're -- the fiscal note does not contemplate any cost of free I.D.s to your agency. Correct?

REBECCA DAVIO: That is correct, sir.

REPRESENTATIVE ANCHIA: Okay. Thank you.

CHAIRMAN BONNEN: Any other questions, Members? Thank you.

REBECCA DAVIO: Thank you.

CHAIRMAN BONNEN: David Maxwell, Deputy Director of the Office of the Attorney General is here as a resource witness if anyone would like to bring him up.
Sure. Why not?

REPRESENTATIVE ANCHIA: Thank you,

Mr. Chairman.

DAVID MAXWELL: My name is David Maxwell, Deputy Director of the Law Enforcement Division of the Texas Office of Attorney General.

CHAIRMAN BONNEN: Mr. Anchia?

REPRESENTATIVE ANCHIA: Thank you,

Mr. Chairman.

Mr. Maxwell, is it?

DAVID MAXWELL: Yes, it is.

REPRESENTATIVE ANCHIA: Thank you.

Thank you for testifying today.

The Attorney General's office is -- is --
since 2006, I believe, spent lot of time
investigating voter fraud. Is that correct?

DAVID MAXWELL: Actually, the numbers
that I've compiled for you are from 2002.

REPRESENTATIVE ANCHIA: From 2002 --

DAVID MAXWELL: To --

REPRESENTATIVE ANCHIA: Perfect.

Perfect.

And it's been a priority of the Attorney General's office. Correct?

DAVID MAXWELL: It is -- it is one of
our priorities, yes, sir.

REPRESENTATIVE ANCHIA: Okay. There are many different types of voter fraud. Is that correct?

DAVID MAXWELL: That's correct.

REPRESENTATIVE ANCHIA: Give me some examples.

DAVID MAXWELL: There is illegal voting. There's voting harvesting. Illegal voting includes people who don't have the right to vote. They may not be a citizen. They may be voting because they're on felony probation or parole, those types of things.

REPRESENTATIVE ANCHIA: Vote harvesting, which is primarily a mail-in ballot --

DAVID MAXWELL: A mail-in ballot --

REPRESENTATIVE ANCHIA: -- scheme --

DAVID MAXWELL: Yes, sir.

REPRESENTATIVE ANCHIA: There's also voter impersonation. Right?

DAVID MAXWELL: Yes, sir, there is.

REPRESENTATIVE ANCHIA: How does --

how does someone impersonate a voter at the polling place?

DAVID MAXWELL: By pretending to be...
someone that they're not and going to vote and
taking the voter registration card and going -- and
voting that person's name.

REPRESENTATIVE ANCHIA: Since 2002,
how many cases of voter impersonation have you
investigated?

DAVID MAXWELL: I'll -- I'll -- I'll
give you some examples. The --

REPRESENTATIVE ANCHIA: Just a
number. I don't need any examples. Just a number.

DAVID MAXWELL: The ones that are
adjudicated, we probably have about seven. And then
we have ones that are not adjudicated, another five
or six.

REPRESENTATIVE ANCHIA: Okay. And
out of the entire universe of voter fraud that
you've investigated or in this case adjudicated,
what's -- is -- is it the largest portion of voter
fraud that you encounter?

DAVID MAXWELL: No, sir.

REPRESENTATIVE ANCHIA: Would you
say -- would you say there's substantially more in
mail-in ballots?

DAVID MAXWELL: More in mail-in
ballots.
REPRESENTATIVE ANCHIA: Okay.

DAVID MAXWELL: We have investigated 289 cases since 2002.

REPRESENTATIVE ANCHIA: And I know that we're trying to augment the integrity of the voting system, and I take the author at her word about wanting to increase integrity in the process. But this bill doesn't include mail-in ballots, does it?

DAVID MAXWELL: I'm not familiar -- I'm not that familiar with the bill as far as what it includes and what it doesn't.

REPRESENTATIVE ANCHIA: Well, I believe it is not included in this bill.

DAVID MAXWELL: Okay.

REPRESENTATIVE ANCHIA: How often -- how often do people use multiple I.D.s, fake I.D.s?

DAVID MAXWELL: Well, that we have documented, not that often. I mean, we -- we have some cases here that -- that we have investigated, but it doesn't comprise a large portion of our investigation.

REPRESENTATIVE ANCHIA: Okay. And maybe I didn't ask the question right. Let's -- let's take off your voting hat, Mr. Maxwell, for a
minute and just put on your -- your -- your prosecutor hat.

DAVID MAXWELL: Uh-huh.

REPRESENTATIVE ANCHIA: Do you ever run across cases where people use fake Texas driver's license to do any number of things --

DAVID MAXWELL: Yes, sir.

REPRESENTATIVE ANCHIA: -- including drink?

DAVID MAXWELL: Yes, we do.

REPRESENTATIVE ANCHIA: Okay. And I probably should -- should have asked this of DPS, how many thousands of fake driver's licenses they pick up every year, but I'll ask you. Would -- would it be -- if -- if someone's -- is intent on doing voter impersonation, what would prevent them from taking a fake identification, a fake I.D. to go vote?

DAVID MAXWELL: Nothing.

REPRESENTATIVE ANCHIA: Okay. Okay.

DAVID MAXWELL: I mean, they can actually --

REPRESENTATIVE ANCHIA: I know, again, we're concerned about preserving the integrity of the process, but we're ignoring mail-in
ballots as a major source of voter fraud in this bill and then creating a system that can be fairly easily circumvented by the use of a fake I.D.

Have you -- have you ever run across the case where a -- a non-citizen -- how many cases of non-citizenry, which is I know is different than voter impersonation, but how many cases of non-citizen voting have you adjudicated?

DAVID MAXWELL: One that comes to mind was in Calhoun County and --

REPRESENTATIVE ANCHIA: Okay. Can you talk a little about the facts of that?

DAVID MAXWELL: Yes. That was a City Council woman who was running for J.P. And she went out and solicited people who were not U.S. citizens to vote and convinced them that they had the right to vote.

REPRESENTATIVE ANCHIA: Uh-huh.

DAVID MAXWELL: And actually during the investigation many of them told her that they couldn't vote, but she convinced them that they could.

REPRESENTATIVE ANCHIA: Right.

And the A.G., it's my understanding, ensuring in that case did not pursue the
non-citizens, because they didn't have the requisite Mens Rea. Right?

DAVID MAXWELL: Right.

REPRESENTATIVE ANCHIA: Mens Rea is a fancy legal term for mental state. Right?

DAVID MAXWELL: Yes.

REPRESENTATIVE ANCHIA: And, instead, you prosecuted the City Council person. Correct?

DAVID MAXWELL: That's correct.

REPRESENTATIVE ANCHIA: And I know that one comes to mind, because I think that's the -- the most prominent case.

But is it -- is your view that we -- that we have -- based on the investigations the Attorney General's done that we have, I think it was said earlier, hoards of non-citizens voting in our elections?

DAVID MAXWELL: We have not encountered that in our investigations.

REPRESENTATIVE ANCHIA: Thank you. I appreciate your testimony today.

DAVID MAXWELL: Yes, sir.

UNIDENTIFIED REPRESENTATIVE: Yes, sir.

When there's not a law requiring you to


show an I.D. to vote, does it make it difficult to find fraud that way?

DAVID MAXWELL: Yes, sir.

UNIDENTIFIED REPRESENTATIVE: So it's fair to say that being there aren't a large number of cases you all are able to prosecute, it doesn't necessarily guarantee -- there is no law requiring you to use an I.D. to vote, that in turn there are no cases?

DAVID MAXWELL: That's correct.

UNIDENTIFIED REPRESENTATIVE: Thank you.

UNIDENTIFIED SPEAKER: And speaking of fraudulent driver's licenses, I chose -- and we can bring back up DPS if we need, but I chose to pull my own driver's license out. And if I need to bring DPS up again, I will.

But do you know how many security measures there are in the Texas driver's license now?

DAVID MAXWELL: No, I do not.

UNIDENTIFIED REPRESENTATIVE: Okay. I'll bring DPS back up for that.

But are you all seeing an increase or decrease in fraudulent driver's licenses or is that even your business?
DAVID MAXWELL: Well, give you some background on me. I spent 38 years with DPS.

UNIDENTIFIED REPRESENTATIVE: Right.

DAVID MAXWELL: And 25 years of that as a Texas ranger.

UNIDENTIFIED REPRESENTATIVE: Sure.

DAVID MAXWELL: And, yes, we have investigated those offenses. And matter of fact, recently you probably realize we put some of the DPS people in jail for selling fraudulent driver's licenses.

UNIDENTIFIED REPRESENTATIVE: Right.

But what they were selling was actual Texas driver's licenses.

DAVID MAXWELL: That's correct.

UNIDENTIFIED REPRESENTATIVE: And what I'm referring to is the ability to reproduce this driver's license in my dorm room, my basement at my home, you know, the back of my office. That has become extraordinarily difficult, is it not?

DAVID MAXWELL: That's correct. It is.

UNIDENTIFIED REPRESENTATIVE: Thank you.

CHAIRMAN BONNEN: Representative
Veasey?

REPRESENTATIVE VEASEY: The people that were arrested within DPS for selling the fake driver's licenses, what did you all find -- find that they were selling those licenses so people could go and vote?

DAVID MAXWELL: They were selling the license for various reasons. I wasn't involved in that investigation, so I couldn't speak specifically to those details, although --

REPRESENTATIVE VEASEY: Does --

DAVID MAXWELL: -- they were -- it was done by the Rangers.

REPRESENTATIVE VEASEY: As far as, I guess, investigating voter impersonation, have -- is it your understanding or -- or were you ever given any directives or did you ever know of anyone that was given any directives within the A.G.'s offices to specifically go after and look for people that were committing voter impersonation or any special task force that were formed just to solely look for voter impersonation?

DAVID MAXWELL: No. And if I could just take a minute to tell you how we get our cases. Our cases are referrals --
REPRESENTATIVE VEASEY: Uh-huh.

DAVID MAXWELL: -- so we don't go after -- we're not proactive in that we're going after and looking for voter fraud. We get them one of three ways. It can be an election judge or a local official or a sheriff or someone like that who refers it to us, and then we investigate it to see if there's merit and continue with the investigation that way.

The other referral is from the Secretary of State. And that's where most of our referrals come from.

And the third method is if you have two citizens who give you sworn affidavits and it's -- involves an election that covers more than one county, then the law says that we shall investigate.

So those are the three methods by where we come on investigation and conduct these election fraud investigations. So we're not proactively going out and seeking them. They're referred to us. And as they're referred to us, we decide what the merit is and conduct the investigation.

CHAIRMAN BONNEN: Representative Aliseda, do you have a question?

REPRESENTATIVE ALISEDA: Is it...
inconceivable to you an organization that was interested in effecting an election could come into a city and go to a homeless shelter, register a bunch of individuals without identifying --- indicating on their voter registration that they don't have any identification, obtaining those voter registration certificates and then passing them out and going and voting?

DAVID MAXWELL: Yes, sir, that could happen.

REPRESENTATIVE ALISEDA: That could happen?

DAVID MAXWELL: Yes, sir.

REPRESENTATIVE ALISEDA: In fact, that was some of the scenarios that the public heard on national T.V. that was alleged to have occurred in Las Vegas and other areas. Is that not correct?

DAVID MAXWELL: I'm not familiar with that, but I'll take your word for it.

REPRESENTATIVE ALISEDA: And is it -- you mentioned how the Attorney General gets referrals to these particular cases.

It is a rare thing to have a -- a voter fraud case referred to the Attorney General, is that not right?
DAVID MAXWELL: A voter fraud case?

We don't have a great deal of them, as you can tell, 289 since 2002.

REPRESENTATIVE ALISEDA: Right. But what it requires is either these two disinterested citizens or it requires a district attorney or a county attorney that is willing to request your assistance, is that not right?

DAVID MAXWELL: Yes, sir. I -- I think you're trying to make a point that we don't do all of the voter fraud investigations.

REPRESENTATIVE ALISEDA: That's right.

DAVID MAXWELL: And that's correct.

REPRESENTATIVE ALISEDA: And, in fact, the reality is that most district attorneys or county attorneys don't do it, either?

DAVID MAXWELL: That could be correct.

REPRESENTATIVE ALISEDA: For political reasons.

DAVID MAXWELL: Yes.

REPRESENTATIVE ALISEDA: I have no further questions.

CHAIRMAN BONNEN: Representative
Harless, do you have a question? Okay. Thank you.

Any -- any other questions?

UNIDENTIFIED REPRESENTATIVE: Just one last follow-up, because I think we missed a -- Representative Aliseda may have missed a step.

There's a way for a private citizen to call the Secretary of State's office that would make a complaint, correct, that would then get referred to your office if they deem that it met the --

DAVID MAXWELL: If it had --

UNIDENTIFIED REPRESENTATIVE: -- the standards of an Election Code violation. Isn't that right?

DAVID MAXWELL: Yes, sir. And that's what I was saying.

UNIDENTIFIED REPRESENTATIVE: Yeah.

DAVID MAXWELL: And that's the methodology whereby we get the referrals from the Secretary of State.

UNIDENTIFIED REPRESENTATIVE: Yeah.

Okay.

DAVID MAXWELL: So --

UNIDENTIFIED REPRESENTATIVE: Okay.

So it doesn't exclusively depend on a -- a D.A. or county attorney sending a referral to you or asking
you for help; a -- a private citizen can call the
Secretary of State's office and send them
information related to an Election Code violation --
DAVID MAXWELL: That's correct.
UNIDENTIFIED REPRESENTATIVE: -- that
then you would investigate. Right? Okay?
DAVID MAXWELL: But the Secretary of
State has to first certify --
UNIDENTIFIED REPRESENTATIVE: That's
right.

DAVID MAXWELL: -- that it meets
their requirements before they make the referral.
UNIDENTIFIED REPRESENTATIVE: Okay.
Okay. I just wanted to make sure I wasn't missing a
step.

DAVID MAXWELL: Okay.
CHAIRMAN BONNEN: Yeah. And, again,
it's kind of -- until there's a law requiring you to
show an I.D., it's kind of hard to go after people
who aren't voting as themselves. Correct?

DAVID MAXWELL: That's correct.
CHAIRMAN BONNEN: Representative
Aliseda, do you have a question -- I'm sorry,
Representative Harless?

REPRESENTATIVE HARLESS: And what I
thought he was asking, there's a lot of local
jurisdictions that investigate these voter frauds
that may not get referred to the Secretary of State,
 isn't that correct?

DAVID MAXWELL: Well, that was my
experience as a Ranger, yes. I mean, most of the
counties that I worked in, they were worked locally
by them or -- or the Texas Rangers.

CHAIRMAN BONNEN: Okay.

DAVID MAXWELL: Uh-huh.

CHAIRMAN BONNEN: Thank you.

UNIDENTIFIED REPRESENTATIVE: How
would you go about investigating an allegation of
voter impersonation, just out of curiosity?

DAVID MAXWELL: It depends on what
you have to start with.

UNIDENTIFIED REPRESENTATIVE: Well --

DAVID MAXWELL: It's like any other
investigation --

UNIDENTIFIED REPRESENTATIVE: -- you
have an election judge that complains, "Hey, we had
an individual with purple hair come in and vote
twice". How are you going to find that individual?

DAVID MAXWELL: If you have no more
information than that, it's going to be difficult.
Some of the cases that we've had that we've investigated, the election judge knew the people who were involved and knew that they voted twice. And one was obviously voting in a name that was not his. But you have to have, obviously, more knowledge than that, because it's a needle in a haystack.

UNIDENTIFIED REPRESENTATIVE: Well, we have a state that's grown, I don't know, what, faster than any other state in the union. We are not going to have situations where election judges or poll workers necessarily know the individuals that are coming in to vote, especially in the big cities, is that not right?

DAVID MAXWELL: That's correct. When I started with DPS in '72, there were 12 million people in Texas. And now we have 23 --

UNIDENTIFIED REPRESENTATIVE: 25, I thought.

DAVID MAXWELL: -- 24 million people.

CHAIRMAN BONNEN: It's not important to this hearing. Any other questions, Members? Thank you.

We're going to attempt now -- I think we have Justin Levitt, the professor at University of
Loyola Law School in California, Los Angeles, one of the expert witnesses. We're -- we're attempting to pull him up and give him his opportunity.

JUSTIN LEVITT: (Inaudible).

CHAIRMAN BONNEN: Let's see. Can we --

JUSTIN LEVITT: I'm not sure if you can see or hear me.

CHAIRMAN BONNEN: Well, we can hear you --

JUSTIN LEVITT: (Inaudible).

CHAIRMAN BONNEN: Professor Levitt, we can hear you, but we have to also be able to see you and you see us. And we're -- we're solving that problem right now if you would just bear with us one moment.

JUSTIN LEVITT: (Inaudible).

CHAIRMAN BONNEN: Are you able to see us?

JUSTIN LEVITT: I am unable [sic] to see you at this time.

CHAIRMAN BONNEN: Very good. And soon we'll be able to see you.

Great. We see you now. I hope we didn't make you late for your class and --
JUSTIN LEVITT: No. And the students quite appreciated your (inaudible).

CHAIRMAN BONNEN: Great. And I appreciate your showing back up.

Justin Levitt, Professor, Loyola Law School, Associate Professor of Law, constitutional law and election law is here by Skype to testify against Committee Substitute Senate Bill 14.

Professor, you'll be given ten minutes without interruption to give your testimony, and then the Members of the Committee may have questions to follow up with that. So we appreciate your coming back on with us. And your ten minutes begins now.

JUSTIN LEVITT: Thank you very much, Mr. Chair, Members of the Committee. I greatly appreciate your flexibility with the technology today and with my schedule and thank you very, very much for the opportunity to testify here today.

As you mentioned, my name is Justin Levitt. I'm Associate Professor of -- at Loyola Law School in Los Angeles. I last had the privilege of appearing before this committee a few years ago when I was then counsel with a non-partisan (inaudible) Center For Justice (inaudible) School of Law. My
work there grounded election policies in a
hard-nosed look at the available evidence behind the
policies in question and prided myself on in-depth
factual research and careful cost benefit analysis.

I was last before you two years ago
(inaudible) job and my role have changed, but I
would suggest to you that the facts have not.

As I understand it, this hearing is about
new legislation (inaudible) to restrict the ways in
which voters can identify themselves when they
appear (inaudible) at the polling place. And I
understand you've had extensive testimony already
today, and I thank you very much for adding me onto
that list. Much of that testimony, I suspect, has
addressed the potential costs of this litigation,
both in terms of physical costs, human costs
including costs relevant to litigation or review
under Section 5 of the Voting Rights Act.

I would like to focus instead of that on
what, at least in my view, are the negligible
benefits of the policy that you're considering; in
particular, legislation requiring certain
restrictive forms of identification at the polls
when you show up to vote is designed to get
(inaudible) and can only possibly get at only one
particular problem. The only thing that restrictive I.D. rules could possibly target is impersonation, attempting or pretending to be someone else when you show up at the polls.

In my work at (inaudible) I reviewed and documented (inaudible) of all kinds of fraud and some I validated. Some, in fact, were true. More often, the allegations were inaccurate, and we managed to do the research (inaudible). In the course of this research what was notable to me and which we've carefully documented is that impersonation fraud stands out. It's the only sort of fraud that identification rules at the polls could possibly prevent. And what stands out about it is how very rare it appears to be.

I know that some will claim that -- that my work both published and before you today denies that fraud exists. And I want to be very, very clear. Some types of fraud are really out there for real, for sure, more than many people believe, because allegations are often (inaudible) sensational or sloppy and confuse clerical error with real fraud. But sadly, people still do buy votes, they still do pressure voters in nursing homes. They still do commit fraud using absentee
ballots. They still do occasionally submit fake or fraudulent registration forms -- voter registration forms. All of that still occasionally happens.

What they don't appear to do with any sort of frequency is commit the sort of fraud that restrictive I.D. rules can fix. At the end of the day, there are (inaudible) substantiated cases, but really just a tiny, tiny handful out of hundreds of millions of ballots. Americans are struck and killed by lightening far more often.

And some say -- and I think I believe I heard an official just before I got on mentioning part of this, that the few reports may be because this sort of fraud is hard to find or hard to prosecute. The comparison is often made to littering, that you don't know who does it and, therefore, it's hard to know when it happens.

But for impersonation fraud -- and there will often be eye witnesses; there will often be a victim that - that is, whoever's being impersonated - and there will always be a paper trail. That is, there is always the signature registered in the poll book at the very least. And if you want to influence an election, if you're out to steal an election, you need a conspiracy of many
impersonators, which means many persons for someone to cry foul. If this sort of fraud is, in fact, like littering, what we're hearing is lots and lots of complaints, but nobody's actually found garbage in the streets.

The hunt for impersonation fraud has been on. At the federal, state, local law enforcement have all had a fair amount of resources devoted to finding and rooting out fraud and have made voter fraud in particular a priority to track, a very pensive priority for some to track with millions of taxpayer dollars spent on the hunt. And that's not to mention the private entities that would gladly spread word if there were any sort of fire behind the smoke.

This fraud happened (inaudible) with any sort of frequency. If people actually impersonated others at the polling place with any sort of frequency, if there were conspiracies to steal votes or steal elections, then over the last decade the phones should have been ringing off of the hook. But, instead, there was apparently (inaudible). Every year there are far more reports of UFO sightings then there are the sort of fraud that restrictive I.D. rules could possibly prevent.
The exceptionally rare phenomenon has been used, it seems, to drive policy. And it seems to create more problems than it solves. And restrictive I.D. rules regrettably seem like a good example of this. Though they don't solve real problems with people impersonating others to seal an election or steal votes, they do create (inaudible). You start shutting down the ways people can prove they are who they say they are, then you start preventing the eligible people out of the process.

Most eligible citizens, we know, have I.D., even the sort of I.D. that you're asking. But many do not. And available research shows that those without are disproportionately elderly and minority citizens.

The last time I had a privilege to testify before you, I waited in line at the airport right behind a senior citizen without a photo I.D. I don't know if she was over 70 or not. It's certainly not polite of me to ask. But she was able, even without in I.D., to get on a plane just fine. And I believe that her destination was Texas. I would hope that if she landed and she were, in fact, a resident and citizen and otherwise eligible, that even without a photo I.D. she would have been
able to express her right to vote.

Making things more difficult at the polls also increases the burden or potential burden on poll workers and on election officials. It increases the chance of confusion for both people that don't have I.D. with them or don't know how [sic] to come back later. It increases the chance of provisional ballots, which are, themselves, an expense. And all of this doesn't make voters actually feel any safer. The best research that I've seen so far on this is an article published in the Harvard Law Review. It looks for a significant correlation between citizens who are asked to show photo I.D., whether they felt protected against voter fraud, and it found no correlation at all. Showing extra I.D. doesn't make the public anymore confident that the elections are free from fraud.

This research shows, to me, that there's not a lot to gain from this new restrictive I.D. law that you all are considering.

Contrary, I'll say, to the bill analysis that I've seen, Texas does, in fact, already have several safeguards to make sure voters are who they say they are. One of them comes from formal law. New voters will be checked against other government
systems when they register, and if information doesn't match they'll be asked to show a document from an inclusive list designed to make sure that no eligible voter gets sent home, but that people are asked to show that they are who they say they are. And you find this requirement in Section 13.072 of the current Texas statutes, you find it in Election Advisory 2010-11. These are up-to-date statutes and they're doing the job.

Texas law already demands a document from that very same list. If you don't have your original registration certificate in hand when you get to the polls and if for any reason you fake your way through any of these requirements, it costs you $10,000 and ten years in prison for just one vote. That's, to me, the best explanation for why the rules don't yield very much. It's also the best explanation for why impersonation fraud at the polls is just so rare.

Given this safeguard that's already in place, the kind of fraud that you're talking about doesn't make any sense. The costs of impersonating someone at the polls far outweigh the benefits. And I'll suggest to you that that may well be the sale for the law you're considering today.
I thank you very much for your time and
for the opportunity for me to present this testimony
and -- and the research behind it substantially
similar to the research I submitted to you all two
years ago when you were considering this topic then.

I'm more than happy to answer any
questions that you may have. And, again, I greatly
appreciate your accommodating both me and my
students this afternoon.

CHAIRMAN BONNEN: Thank you.

Appreciate your patience.

Are there any questions, Members?

Representative Aliseda. Professor, Representative
Aliseda has a question.

REPRESENTATIVE ALISEDA: We've had a
lot of testimony today on just how showing an I.D.
is -- is an aspect of every day modern Americans'
life. Would you agree with that, that -- that --

JUSTIN LEVITT: (inaudible) -- I'm
sorry, Representative.

REPRESENTATIVE ALISEDA: -- that --
that you practically can't do anything in this
society without showing an I.D. Is that correct?

JUSTIN LEVITT: I would -- I would
agree that there are many, many ways in which
showing an I.D. in lots of places makes life easier. I actually think that most places in the private sector, private sector companies that want as many customers as possible may have an initial request to show an I.D., but also have safeguards to allow you to function even without one. I don't think anybody would argue -- at least nobody that I know, credibly would argue that it's not easier to do a whole bunch of things in daily life without an I.D.

REPRESENTATIVE ALISEDA: But you --
JUSTIN LEVITT: I suspect --
REPRESENTATIVE ALISEDA: -- you wouldn't --
JUSTIN LEVITT: -- (inaudible).
REPRESENTATIVE ALISEDA: -- you wouldn't find it surprising that Americans expect to show an I.D. to vote, at least the people that we've heard testifying today?
JUSTIN LEVITT: I think it's not surprising at all to find that maybe even 90, 95 percent of Americans, at least registered, active, eligible voters, expect to show an I.D. in all kind of circumstances. I think few of those are constitutional arrays [sic]. And I think it even more important that the 5 percent who manage,
although they struggle, they manage to get by in
other arenas of life even without I.D. have at least
the right to exercise the fundamental value.

REPRESENTATIVE ALISEDA: You would
agree with me that showing an I.D. creates a
psychological feeling that you're doing something
that's important to safeguard whatever it is you're
trying to do?

JUSTIN LEVITT: I'd agree that that's
conventional knowledge for sure. The (inaudible)
that was wisdom, the one study that I mentioned
again published in the Harvard Law Review which
(inaudible) seriously has some (inaudible)
surprising --

UNIDENTIFIED REPRESENTATIVE:
(Inaudible) -- for many people --

UNIDENTIFIED REPRESENTATIVE:
(Inaudible).

JUSTIN LEVITT: -- doubt on how far
that goes. That is, it seems like it makes
commonsense for that to create a psychological sense
of security. But if you actually ask people how
confident they feel in their elections, the fact
that people have been asked to show an I.D. or not
actually doesn't make any difference. It turns out
that if you feel confident in elections, you're
about as confident whether you're asked to show I.D.
or not. If you think they've been stolen, you think
they've been stolen whether you're asked to show
I.D. or not.

I -- I agree it seems to make sense
according to conventional wisdom, but when you look
at the numbers it's simply not what the numbers have
shown, that I've seen.

REPRESENTATIVE ALISEDA: Thank you.
No further questions. Thank you.

CHAIRMAN BONNEN: Professor, our Vice
Chairman, Mr. Veasey, would like to ask some
questions.

REPRESENTATIVE VEASEY: I just wanted
to ask you, how -- how -- how can State Legislators
come up with plans to deal with this type of
legislation when -- when there are concerns on --
you know, from -- from different groups and, you
know, different constituencies? Like one group that
we heard today was pretty much overwhelmingly
concerned -- you know, concerned about integrity of
the process and, you know, making sure that
fraudulent votes or voter impersonation doesn't
cancel out legitimate votes. And then you have
other folks, you know, that have -- you know, that
are concerned about people being able to have equal
access to -- to the polls. And you know, in my
district, I particularly hear from people, you know,
that -- you know, that are -- that -- you know,
let's say they're 60 years old; they're baby
boomers. So they came of age in the civil rights
movement. And so they still have very vivid
memories and views of Dr. King and people marching.
And that constituency is very concerned about the --
you know, people having equal access to the polls.

So how can -- what can State Legislators
do to address both people's concerns, so it doesn't
seem like a one-sided deal as -- as being, you know,
rammed down one or the other's, you know, side?

JUSTIN LEVITT: Mr. Vice Chairman, I
certainly appreciate the question. And I don't envy
you the task that you have here or elsewhere in
reconciling a whole bunch of different objectives.

I think that would -- from what I've seen,
that the most steady source of (inaudible) and the
easiest way to ensure that your constituents have
confidence that you're legislating in the public
interest is to carefully weigh out as carefully as
you can the costs and the benefits of any
legislation based on actual tangible evidence. And
the more that you do that, the more rooted you feel
that you're addressing problems that need to be
addressed with solutions that actually don't cause
more damage than you're trying to stave off.

And I'll add to that, whenever you're
talking about election legislation, people feel very
strongly indeed for very, very good reasons. I
think it's always important to consider election
legislation, the need to keep in mind not just the
majority, but the safeguards that every eligible
American citizen -- their capacity to pass a vote
effective. I think that it is really important that
this, among all constitutional rights, be protected.

And that means exactly as you've said,
maintaining the process against fraud, which -- to
make sure it's full of integrity and make sure
people's votes are counted without shutting out
those who (inaudible) want to participate and are
eligible to participate.

I'll suggest to you that the Texas Code as
it stands does a pretty good job of making sure that
fraud -- this -- this type of fraud showing up,
pretending to be someone else, doesn't enter the
system. And we think in order to change that we
need some pretty -- we'd want some pretty solid
facts showing you that you were getting more out of
the legislation to change the system than the cost
that you put into it.

CHAIRMAN BONNEN: Okay. Professor,
I -- does anyone have any questions? Members?

Professor, we appreciate your time and --
oh, Representative Anchia --

UNIDENTIFIED REPRESENTATIVE:
(Inaudible).

CHAIRMAN BONNEN: Okay. Justin,
again, you can see us currently --

JUSTIN LEVITT: Yes, I can --

CHAIRMAN BONNEN: -- and we can see
you. Okay. Professor, we appreciate you coming
back online and appreciate your time today.

JUSTIN LEVITT: Thank you very much,
Mr. Chair --

CHAIRMAN BONNEN: Thank you --

JUSTIN LEVITT: -- (inaudible) thank
all the Members for -- for being -- for weighing
this issue.

CHAIRMAN BONNEN: Absolutely. Thank
you very much. Thank you.

Is there anyone else here wishing to
testify on, for or against the Committee Substitute
to Senate Bill 14?

UNIDENTIFIED REPRESENTATIVE: Can I make a comment before we close?

CHAIRMAN BONNEN: Yeah, yeah.

With that being the end of our testimony, the Chair will call on Representative Harless to comment out Committee Substitute to Senate Bill 14 and -- and we'll allow Representative Anchia to have a comment after that.

REPRESENTATIVE VEASEY:
Representative Veasey.

CHAIRMAN BONNEN: Veasey. I'm sorry. Veasey.

UNIDENTIFIED REPRESENTATIVE: (Inaudible) that happened some.

CHAIRMAN BONNEN: You all need some I.D.s. You all need some I.D.s or something.

REPRESENTATIVE VEASEY: I didn't think I was handsome. That made my day. Thank you.

That made my day.

REPRESENTATIVE HARLESS: So you want me to close and then you'll make a comment?

REPRESENTATIVE VEASEY: Yeah.

CHAIRMAN BONNEN: I want you to
Representative Harless: Okay. Okay.
I will try and keep this short, because I know all of you are tired. The House Committee on Elections Interim Report to the 82nd Legislature concluded Charge 3 on the prevalence of fraud in Texas elections by stating the fact that states across the nation are passing voter I.D. laws is proof enough that public concern regarding the potential of voter fraud.

While there is and perhaps will always be disagreement regarding the extent of fraud, the lack of public confidence in our voting system cannot be questioned.

Voter I.D. laws have been upheld by the Supreme Court in the Indiana photo I.D. law and the Department of Justice in the Georgia photo law.

We've heard more stories today about potential fraud. And there is more media stories reported on or about voter fraud in Texas that would kill more trees than I want to take responsibility for by presenting those today.

People who lack confidence in the election system show -- show no reason to show up and vote. It is an -- imperative that we protect the public's
confidence in the election by deterring and
detecting fraud.

This bill is in compliance with the U.S.
Supreme Court decision which upheld that the Indiana
voter I.D. legislation, because it deters and
detects fraud, it protects the public confidence in
election. It counts only eligible voters vote and
also complies with the Supreme Court decision,
because it offsets the burden on voters by providing
access to free photo I.D., allows for provisional
and absentee ballots, ensures that obtaining a photo
I.D. is no more burdensome or inconvenient than the
usual act of voting, and provides
exceptions for the elderly, disabled and indigent
voters.

Elections are too important to leave
unprotected, not to mention the perception of
possible fraud continues to contribute to low
confidence in our election system. Clear evidence
that people have lost faith in the integrity of the
ballot box and the inability to prove any
unreasonable burden to any legal voter is all --
that -- all these states that have upheld these
laws.

This legislation is not a radical concept.
SB-14 is just asking that every voter verify you --
you are who say you are before you cast a vote.

I appreciate your time and attention, and
ask that we quickly and favorably vote SB-14 out of
committee. And I close.

CHAIRMAN BONNEN: Thank you.

Representative Veasey.

REPRESENTATIVE VEASEY: Well, hold on
a second.

CHAIRMAN BONNEN: Yeah, he's going to
talk on the bill. Go ahead.

REPRESENTATIVE VEASEY: Is that okay?

CHAIRMAN BONNEN: Yeah. Absolutely.

REPRESENTATIVE VEASEY: I wanted to
say that I think that every one of us, Democrat,
Republican, we want to make sure that we have fair
elections. We want to make sure that only those who
go and vote in person -- we want to make sure that
it is the actual person who has the voter
registration card or whose name is on the bill or
whose photo is on the I.D. already, we want -- all
of us want to ensure that that -- that that actual
person is voting and not -- someone is not
committing voter impersonation and voting for them.

We also want to make sure that -- that we
don't put hurdles in front of people. And -- and, 
you know, and we also want to make sure that before 
we implement any new laws that there's actual proof 
of what is being alleged that is going on. 

And you know, once again, I know there 
were all sort of excuses as to why voter 
impersonation could not be proved, but over and over 
and over again we asked people to offer up, you 
know, evidence. And there was never any. 

I was really disturbed and I shared the 
E-mail with you earlier about -- about the Tarrant 
County Democrat -- Tarrant County Republican party 
and then [sic] sent out an E-mail saying that 
there's voter fraud going on in these Democratic 
precincts and we need people to go over there, but 
be careful because all those precincts are in bad 
neighborhoods. 

And then I saw this sign that a group 
called the King Street Patriots put out, and that's 
not a -- that's not a rap group. That is some sort 
of political organization. And they actually -- you 
can't see it from here, but they actually 
photo-shopped a sign onto an African American woman 
that said, "I only got to vote once."

Now, what I'll do -- and I was going to
show it at the end of committee, but I'm not going
to do it now. But I'll -- I'll -- I'll invite
you -- I think that's the same thing.

UNIDENTIFIED REPRESENTATIVE: Yeah.

REPRESENTATIVE VEASEY: But I'll
invite you to come up afterwards. I have a video
from a -- a picture that came -- that came out of
1915. The picture is about to be 100 years old in a
few years. The name of the movie is "Birth Of A
Nation". And "Birth Of A Nation" was a very popular
film. As matter of fact, the film was the top
grossing Hollywood film for over 20 years until Snow
White And The Seven Dwarfs displaced it and more and
more people started getting into talkies. And
that's a term for movies with sound. And the --
the -- the movie has several different themes to it
that -- and most of the things in there we would
find -- we would think that it was absolutely
ridiculous that people thought this way. But just
like everyone has said that -- that -- who's in
support of the voter I.D. bill has said that
85 percent of the people in this country are for
voter -- some form of voter I.D. 85 percent of the
people thought all the things in this movie were
real about African Americans. And one of the things